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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 NANCY BAUM,

7 Plaintiff,

8 vs.

9 METROPOLITAN LIFE INSURANCE
10 COMPANY; IBM LONG TERM
DISABILITY PLAN,

11 Defendants.
12

Case No: C 10-4280 SBA

**ORDER REFERRING ACTION
FOR MANDATORY SETTLEMENT
CONFERENCE**

Docket 24

13 This action arises under the Employee Retirement Income Security Act, based on
14 Defendants' alleged failure to pay Plaintiff long-term disability benefits. Plaintiff has now
15 filed an Ex Parte Application for Order Shortening Time for Hearing of Motion for
16 Summary Judgment and Motion for Summary Judgment. Dkt. 24. According to Plaintiff,
17 she was informed by Defendants on May 10, 2011, that Defendants had agreed to reinstate
18 Plaintiff's benefits. However, to date, Defendants allegedly have not yet resumed any
19 payments to Plaintiff, who has been without benefits for almost two years. Accordingly,
20 Plaintiff requests "that the Court enter an Order requiring [Defendants] to advise the Court
21 within 24 hours whether it will be opposing either Plaintiff's Ex Parte Application for An
22 Order Shortening Time for Hearing of her Motion for Summary Judgment, or the Motion
23 itself." Dkt. 24 at 5.

24 Based on the record presented, it appears that the parties are close to reaching a
25 settlement of this action. Thus, rather than engaging in potentially unnecessary and costly
26 motion practice, the parties should focus their resources on working towards a settlement.
27 Accordingly,
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1 IT IS HEREBY ORDERED THAT:

2 1. The instant action is REFERRED to the Chief Magistrate Judge or her
3 designee for a mandatory settlement conference to take place within forty-five (45) days of
4 the date this Order is filed.

5 2. Plaintiff's Ex Parte Application for Order Shortening Time for Hearing of
6 Motion for Summary Judgment and Motion for Summary Judgment is DENIED without
7 prejudice.

8 IT IS SO ORDERED.

9 Dated: July 20, 2011

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11 SAUNDRA BROWN ARMSTRONG
12 United States District Judge
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